

Assembly Bill No. 807

Passed the Assembly September 9, 2009

Chief Clerk of the Assembly

Passed the Senate September 3, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 6220, 6221, 6227, and 6228 of the Penal Code, relating to restitution centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, Fuentes. Restitution centers.

Existing law establishes restitution centers for inmates to provide a means for those sentenced to prison to be able to pay their victims' financial restitution, as specified.

This bill would revise what is included by the term "restitution" for these purposes, and provide that inmates who commit crimes involving direct victims shall receive priority placement in restitution centers, as specified. The bill would require the Department of Corrections and Rehabilitation, no later than June 30, 2011, to reopen and operate 2 restitution centers. The bill would provide that this requirement shall not become operative if certain reforms are implemented, as specified.

Existing law provides that a court may order the department to place an eligible defendant in a restitution center if the court makes a restitution order or if a restitution agreement is entered into by the victims and the defendant.

The bill would specify that the court may order the department to place an eligible defendant in a restitution center if the court makes an order for a restitution fine.

Existing law provides criteria for eligibility for placement in a restitution center, including in part, that a defendant is eligible for placement in a restitution center if he or she has not served a prison term within the 5 years prior to the present conviction, does not have a criminal history of a conviction for the sale of drugs or for a crime involving violence or sex, and did not receive a sentence of more than 36 months.

This bill would revise those criteria to provide, among other criteria, that a defendant is eligible for placement in a restitution center if he or she does not have a criminal history of a conviction for the sale of drugs within the previous 5 years, or for an offense requiring registration as a sex offender, or for a serious or violent

felony, and the defendant did not receive a sentence of more than 60 months for the current offense or offenses.

The bill would also state findings and declarations of the Legislature pertaining to restitution centers and inmates.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Every year, more than 125,000 inmates are released from California prisons. Of those released, more than half will return to prison within two years, and more than 70 percent will return within three years.

(b) The cost of incarceration alone has risen to a staggering \$46,000 per inmate per year, which does not include the costs of inmates participating in programming to address substance abuse, mental health treatment, or educational and vocational training.

(c) The vast majority of inmates housed in California prisons do not participate in a single program while incarcerated, and the majority of inmates will be unemployed at the time of release from prison, with few, if any, job prospects.

(d) Successful reentry models combine a continuity of services before and after release from prison and real incentives to hold former offenders accountable for using those services.

(e) The most successful models for preventing recidivism include public-private partnerships among law enforcement, government agencies, business and labor associations, private employers, and community-based organizations formed to create living wage employment opportunities for eligible former offenders and to take advantage of existing programs and incentives for hiring former offenders.

(f) The restitution center concept is a model where inmates serving time for nonviolent, nonserious offenses can fulfill obligations to pay restitution and other court related fines and fees in addition to obtaining and maintaining employment.

(g) Being employed is a key factor ensuring a lower recidivism rate and thus reducing taxpayer burdens.

(h) It is the intent of the Legislature that defendants eligible for placement in a restitution center be placed as expeditiously as possible. To that end, the Department of Corrections and Rehabilitation shall work in concert with other agencies, such as

county sheriff and public defender offices, to share information in order to make screening, classification, and placement more expeditious. The Legislature further intends that, in implementing this measure, the department draw upon successful pilot programs, such as the pilot program implemented pursuant to Senate Bill 618 of the 2005–06 Regular Session (Ch. 603, Stats. 2005).

SEC. 2. Section 6220 of the Penal Code is amended to read:

6220. (a) The Secretary of the Department of Corrections and Rehabilitation may establish and operate facilities to be known as restitution centers.

(b) The secretary shall establish and operate two restitution centers in Los Angeles County no later than June 30, 2011. However, the requirement to establish and operate two restitution centers in Los Angeles County shall not become operative if the prison reforms proposed by the Governor as part of the 2009 budget revision are passed by the Legislature and put into effect and, as a result, the secretary determines that there is an insufficient population of inmates eligible for restitution center placement.

SEC. 3. Section 6221 of the Penal Code is amended to read:

6221. The purpose of restitution centers is to provide a means for those sentenced to prison to be able to pay their victims' financial restitution, which includes direct restitution to victims as well as other restitution fines and fees, as ordered by the sentencing court or as agreed upon by the defendant and his or her victims. Inmates who commit crimes involving direct victims shall receive priority placement in restitution centers.

SEC. 4. Section 6227 of the Penal Code is amended to read:

6227. (a) The court may order the Department of Corrections and Rehabilitation to place an eligible defendant in a restitution center if the court makes a restitution order or makes an order for a restitution fine pursuant to Section 1202.4, or if a restitution agreement is entered into by the victims and the defendant. The department may send a defendant to a reception center for classification prior to placing the defendant in the restitution center.

(b) Notwithstanding subdivision (a), inmates who commit crimes involving direct victims shall receive priority placement in restitution centers.

SEC. 5. Section 6228 of the Penal Code is amended to read:

6228. A defendant is eligible for placement in a restitution center if the defendant does not have a criminal history of a

conviction for the sale of drugs within the last five years or for an offense requiring registration pursuant to Section 290, or a serious felony, as listed in Section 1192.7, or a violent felony, as listed in Section 667.5, the defendant did not receive a sentence of more than 60 months for the current offense or offenses, the defendant presents no unacceptable risk to the community, and the defendant is employable. The provisions of Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3, are applicable to prisoners in restitution centers.

Approved _____, 2009

Governor